



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

AUG 06 2018

The Honorable Nancy Pelosi
House Democratic Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Democratic Leader Pelosi:

Thank you for your July 27, 2018, letter requesting that the U.S. Environmental Protection Agency's (EPA's) Office of Inspector General (OIG) review the EPA's oversight of the Superfund clean up efforts at the Hunters Point Naval Shipyard in San Francisco, California.

In your letter, you expressed concern that Tetra Tech EC, the Navy firm contracted to clean up and test the site, engaged in manipulation and falsification of data. You requested that we review whether the EPA's level of oversight was appropriate, how the EPA handled whistleblower accusations, whether any fraudulent or false reporting is present in other Tetra Tech EC contracts, and whether Tetra Tech EC is following best practices during the retesting process. You also requested a briefing on the status of the Hunters Point cleanup and retesting, and that a "Hunters Point Hotline" be created for residents. We are carefully reviewing your request and will provide a formal response shortly.

We appreciate your interest in the work of the EPA OIG. If you have any questions regarding this or any other matter, please contact Alan Larsen, Counsel to the Inspector General, at (202) 566-2391.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arthur A. Elkins Jr.", is positioned above the printed name.

Arthur A. Elkins Jr.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

SEP 19 2018

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Democratic Leader Pelosi:

Thank you for your July 27, 2018, letter to the U.S. Environmental Protection Agency's (EPA's) Office of Inspector General (OIG) requesting that we investigate certain matters pertaining to the Treasure Island Naval Station—Hunters Point Annex Superfund Site.¹

You asked the OIG to investigate whether the EPA provided appropriate oversight during the original cleanup and testing at Hunters Point, and how the EPA handled whistleblower complaints against the U.S. Department of the Navy contractor Tetra Tech EC. You also requested that we investigate whether Tetra Tech's other contracts contain fraudulent or false reporting, and whether Tetra Tech follows best practices during the retesting process at Hunters Point. In addition, you asked us to brief you on the status of cleanup and retesting activities at the site.

The EPA OIG is an independent office within the EPA. We perform audits and investigations of the EPA and its contractors to detect and prevent fraud, waste and abuse. In determining whether the OIG can undertake the requested work, we must first verify the matter is within our jurisdiction. We must then determine whether the OIG has sufficient resources—personnel, time and funds—to undertake a project in a timely fashion, and whether doing so would preclude other critical work. The OIG has been funded at less than the levels we deem adequate to engage in all work that should be done; therefore, we must make difficult decisions about whether to accept a matter for review.

My office carefully analyzed your requests to determine whether 1) there are any portions that fall within the purview of the EPA OIG, and 2) in light of the recent criminal case and ongoing civil court action surrounding the site, which aspects of your requests are inextricably bound to those actions and whether some aspects of your requests are best addressed by the OIG that would not overtake or interfere with actions in those other forums.

The U.S. Department of the Navy owns the Hunters Point Annex Superfund Site, which is the site of the former Hunters Point Naval Shipyard, in San Francisco, California. Pursuant to Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9620, and

¹ Your letter mentioned the "Hunters Point clean-up and re-testing" and the "shipyard and surrounding Bayview community." We interpret this as referring to the Treasure Island Naval Station—Hunters Point Annex Superfund Site, located in San Francisco, California.

Executive Order 12580, the Department of the Navy is the federal entity with lead responsibility for the Hunters Point cleanup,² and has day-to-day oversight responsibility for cleanup and retesting activities. The EPA's role is limited to overseeing the Department of the Navy's day-to-day oversight activities at Hunters Point.


You also wanted to know how the EPA handled any whistleblower complaints concerning Tetra Tech. We confirmed that the EPA's Criminal Investigative Division and its Superfund Division did not directly receive any whistleblower complaints concerning Tetra Tech's involvement at the site; instead, the agency learned about the whistleblowers from the media and subsequently reached out to them.

Regarding your request for an immediate briefing on the status of cleanup and retesting activities at Hunters Point, the EPA OIG does not have the information needed to properly brief you on such matters. The Department of the Navy is the federal lead for site cleanup, and the entity responsible for providing information and conducting a briefing. My office is willing to convey your request for an immediate briefing to the U.S. Department of Defense (DoD) OIG. Please let me know whether you would like my office to contact the DoD OIG.

Further, you requested that we investigate whether Tetra Tech's other contracts contain fraudulent or false reporting. The EPA OIG's role is limited to oversight of the EPA and its contractors. Since you inquired about matters pertaining to Tetra Tech's contracts with the Navy, this request is outside of the EPA OIG's jurisdiction. Similar to the response above, my office is willing to convey to the DoD OIG your request regarding possible fraudulent or false reporting by Tetra Tech. Please let me know whether you want my office to contact the DoD OIG.

We appreciate your interest in the work of the EPA OIG. If you have any questions regarding this or any other matter, please contact Alan Larsen, Counsel to the Inspector General, at (202) 566-2391.

Sincerely,



Arthur A. Elkins Jr.

cc: Susan Bodine, Assistant Administrator for Enforcement and Compliance Assurance

² See the [Superfund Site: Treasure Island Naval Station – Hunters Point Annex Site](#) webpage, which contains documents and data (last accessed September 14, 2018), and notes “[t]he Department of the Navy is the lead on cleanup of the Hunters Point Naval Shipyard.”